

**PLANNING AND ZONING COMMISSION
STAFF REPORT**

November 17, 2016



Planning Variance case no. PV16-22: Evolution Construction, LLC.

CASE DESCRIPTION: request for approval of a variance to allow an 18.1-foot reduction to the minimum 25-foot front building setback that is typically required on single-family residential home sites, to allow the expansion of the existing single-family home to extend within 6.9 feet from the front property line

LOCATION: 2505 Boonville Road, on 0.138 acres of land out of John Austin League adjoining the north side of Boonville Road between Curtis Street and Wildflower Drive

ZONING: Multiple-Family District (MF)

EXISTING LAND USE: Single-family residence

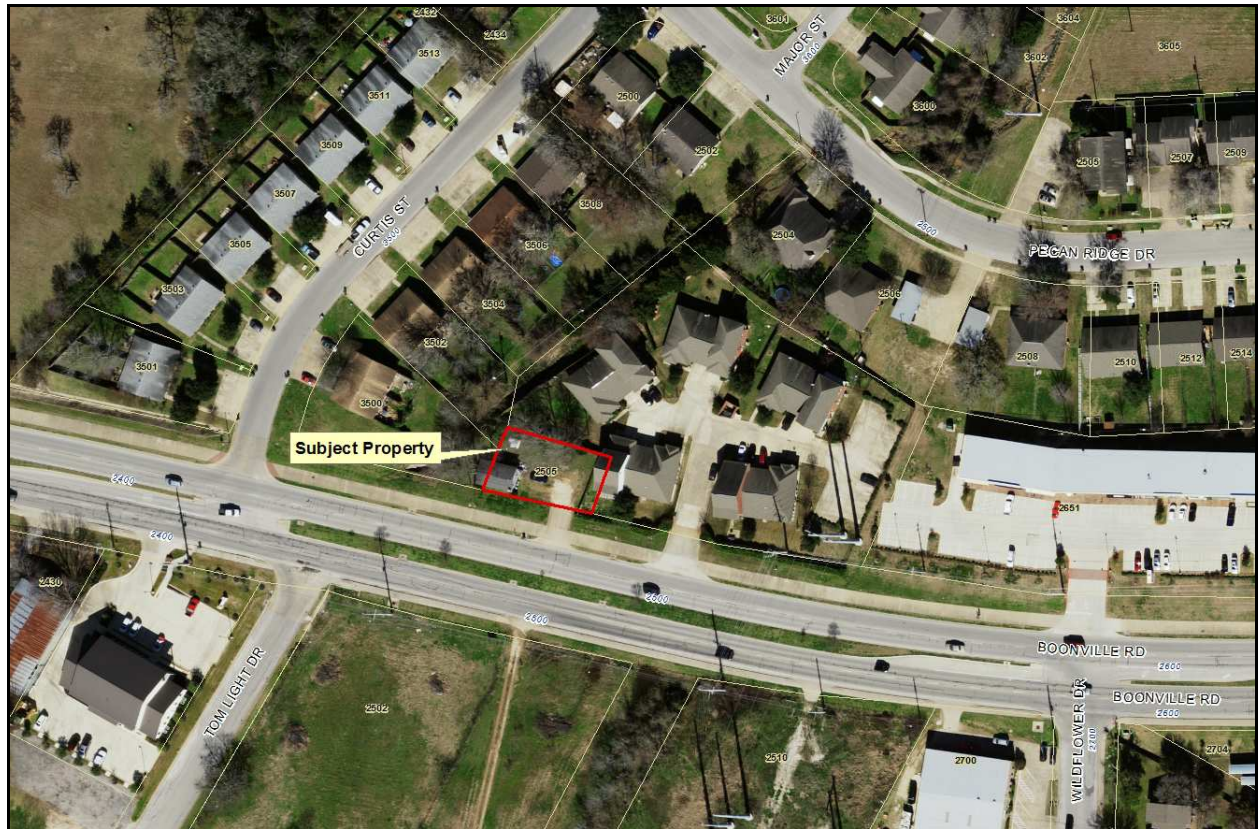
PROPERTY OWNER: Matt Brown

STAFF CONTACT: Stephanie Doland, Staff Planner

SUMMARY RECOMMENDATION: Staff recommends **approving** the requested variance.



2015 AERIAL:



BACKGROUND:

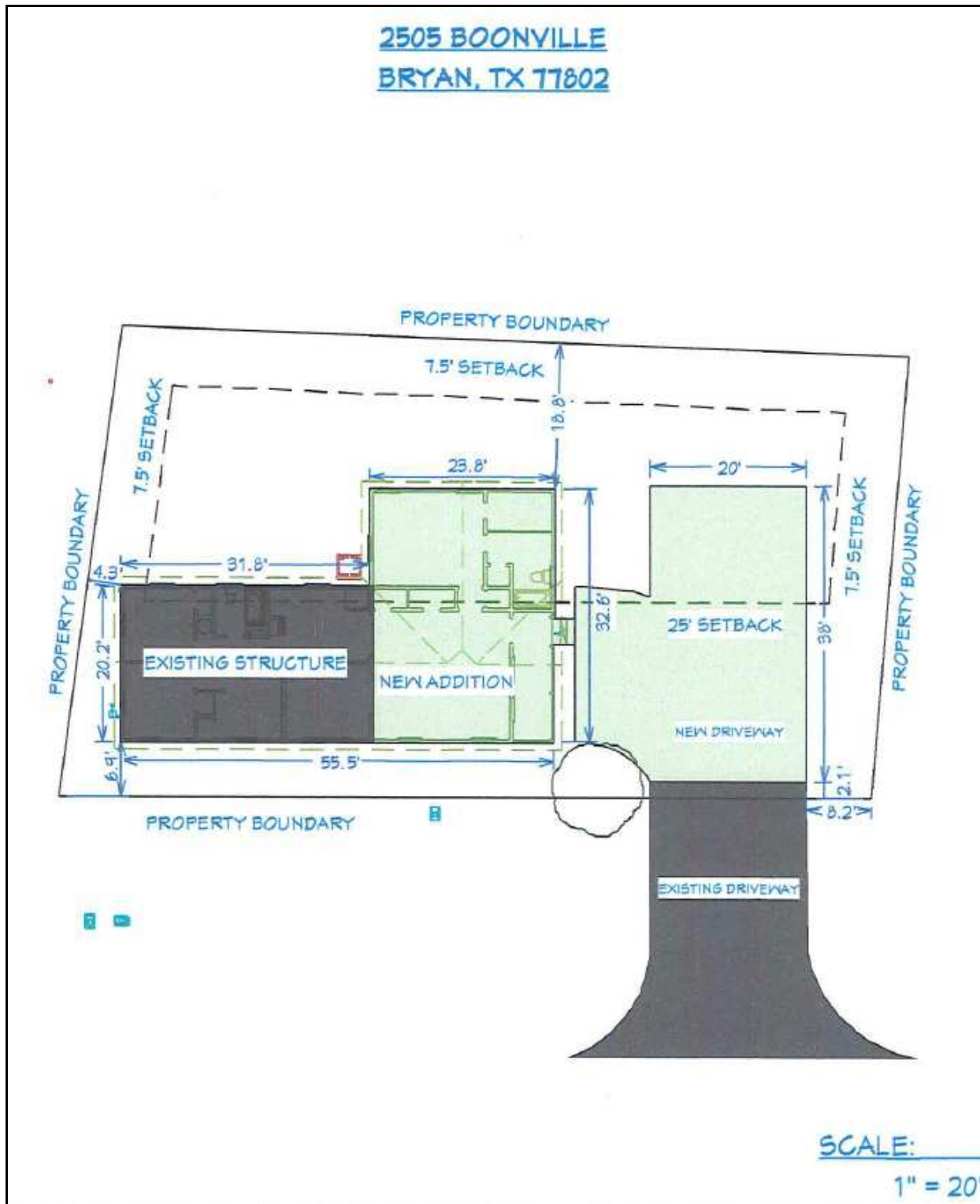
The subject property is not part of a platted subdivision, 0.138 acres in size, and located along the north side of Boonville Road between Curtis Street and Wildflower Drive. The subject property is occupied by a single-family residence that was constructed in 1985. The subject property is 100 feet wide, 50 feet deep, approximately 5,000 square feet in size, and is adjoined by duplexes to the west, multifamily dwelling units to the north and east, and TXDOT right-of-way for Boonville Road to the south.

The applicants, Evolution Construction, LLC., wish to make improvements to the existing 642-square foot single-family residence and expand the dwelling by an additional 775 square feet. The residence was built in 1985, prior to the widening of Boonville Road. In 1995, TxDOT acquired right-of-way for the expansion of the road, approximately 15 feet from the eastern lot line and 17 feet from the western lot line of the subject property. Prior to the expansion the existing single-family structure would have been located 25 feet from the previous property line and, therefore, was once compliant with the 25-foot front setback standards. As a result of the right-of-way expansion of Boonville Road, the structure on the property is now considered a legally non-conforming, because it encroaches 18.1 feet in the front building setback.

Chapter 62 of the Bryan Code of Ordinances, Land and Site Development, establishes minimum building setback standards. Subsection 62-161 establishes the minimum front building setback in a Multiple – Family (MF) District at 25 feet. In this circumstance, the existing 642 square foot structure lies 6.9 feet from the front property line on the subject property. The applicants wish to expand the structure to add

additional living space in alignment with the front of the existing structure within 6.9 feet from Boonville Road right-of-way.

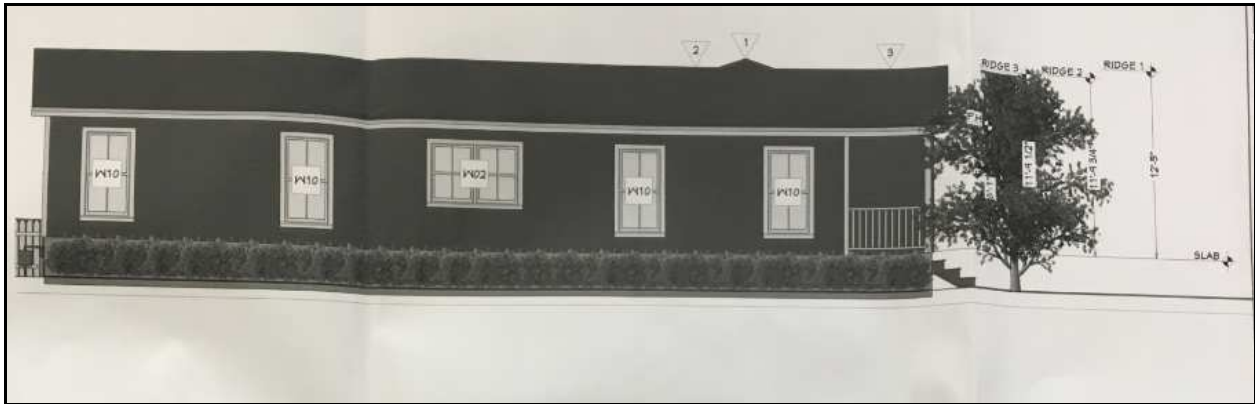
PROPOSED SITE PLAN:



EXISTING SITE CONDITIONS:



PROPOSED BUILDING ELEVATIONS:



View from Boonville Road



View looking west



View looking south



View looking east

APPLICANT REQUEST:

Setback Variance Request

The following page should be completed ONLY for setback variance requests.

Please describe the type of variance being requested:

Setback Variance for Remodel and Addition.

State how the granting of the variance will not be detrimental to the public health, safety or welfare or materially injurious to properties in the area:

The Variance for the addition does not encroach further into the Setback of the current structure or the structures of the neighboring properties. The improvements made through the remodel and addition will add value to the neighbors property verses leaving the existing structure in its present configuration.

State how the granting of the variance will not be detrimental to the public health, safety or welfare or materially injurious to properties directly abutting the subject property:

The properties the house is bounded by is a creek on one side, and apartments on the other side. The proposed Variance does not encroach on either side of the neighbors. It also allows for more separation between the building and the neighbors in the back.

State how the hardships and difficulties imposed upon the owner are greater than the benefits to be derived by the general public through compliance with the requirements of the ordinance:

Placing the addition inside the Setback would require the relocation of the kitchen in the existing structure and would make the existing spaces less usable. It would reduce the quantity of private yard and it would make a less desirable yard area. As stated above there is no real benefit with compliance to the Setback ordinance in this situation.

ANALYSIS:

The Planning and Zoning Commission may authorize a variance from minimum building setback standards stipulated in the Land and Site Development Ordinance. No variance shall be granted unless the Planning and Zoning Commission finds that all of the following criteria are met:

1. That the granting of the variance will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the area (an area encompassing approximately a 200-foot radius);

By limiting the locations of buildings on a lot, minimum building setback regulations help reduce the danger of conflagration, ensure that there is adequate room for emergency apparatus between and around the properties, and provide access to utilities. Building setback requirements also help provide a minimum degree of open space for light and air circulation, landscaping, recreational use, privacy (e.g., distance between neighbors to mitigate noise and odors) and space for maintenance on a home.

The applicant is requesting approval to extend the width of the structure across the façade of the building, but not encroach further into the minimum setback area than current conditions on the property. If the requested variance were approved, then the new home would still be set back approximately, at least 37-feet from the edge of pavement on Boonville Road.

Boonville Road is classified as a super arterial street on Bryan's Thoroughfare Plan, has 130 feet of right-of-way and a current pavement width of 75 feet (including the landscaped median). Super arterials are generally established every three miles and can be developed up to six lanes wide. Boonville Road currently is developed as a four lane road and, if widened in the future, there currently exists the necessary right-of-way in front of the subject property to expand the road, thus minimizing the potential impact on the subject property.

Adjacent property to the east is developed with a multiple-family structure built approximately 20 feet from the property line along Boonville Road. Property to the west, at 3501 Curtis Street, is developed with a duplex structure and that is set back approximately on 15 feet from the property line of that property adjacent to Boonville Road.

Staff contends that the requested variance from the minimum required front building setback, in this particular case, would not have any noticeable effect on neighboring properties. 23 feet of additional building mass, located within 7 feet from Boonville Road where a similar encroachment has existed for more than 30 years in an environment where structures on adjacent properties are similarly situated can reasonably be expected to not be detrimental to public health, safety or welfare or the character of this corridor.

2. That the granting of the variance will not be detrimental to the public health, safety or welfare, or materially injurious to properties abutting the subject property;

For the same reasons stated above, staff believes that, in this circumstance, granting the requested variances to reduce the front building setback on this lot by 18.1 feet, will not have any noticeable effect on abutting properties in the area and will not be detrimental to public health, safety or welfare.

3. That the hardships and difficulties imposed upon the owner/applicant are greater than the benefits to be derived by the general public through compliance with the requirements of this chapter.

Staff generally encourages redevelopment along major corridors in Bryan. Staff believes that the general public will benefit from the proposed improvements to the existing structure. The single-family home is currently vacant and, if approved, the proposed variance request would allow the structure to be restored, expanded, and generally improved into a more sightly view from Boonville Road. Furthermore, strict compliance of this ordinance would significantly reduce the ability for expansion of the single-family dwelling or any other use at this location, in conformance with modern development standards.

The proposed expansion includes additional living space, a master bedroom suite and a hammer-head style driveway to allow for vehicles to turn around on the property. Strict enforcement of the ordinance would likely reduce the possible area for expansion of the home and/or limit the area for a large enough driveway to turn around. Therefore, the hardships and difficulties upon the owner to comply with the ordinance at this time will be greater than the benefits derived by the public were the ordinance strictly enforced. In this particular case, staff believes approving the requested variance will have the most likely long-range benefit, balancing both public and private purposes.

RECOMMENDATION:

Staff recommends **approving** the requested variance to allow the expansion of the residence on the subject property to extend within 18.1 feet from the property's front property line along Boonville Road.